UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,088	07/05/2001	In-Sung Choi	P56321	3198

7590 01/04/2005	EXAMINER
Robert E. Bushnell	SIDDIQI, MOHAMMAD A
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ART UNIT	PAPER NUMBER
2154	

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DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/898,088	CHOI, IN-SUNG
	Examiner	Art Unit	
	Mohammad A Siddiqi	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 August 2004</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-24 are presented for examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis

for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a
> whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

3.   Claims 1-24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jenkins et al. (6,002,868) (hereinafter Jenkins) in view of

Philyaw et al. (6,704,864) (hereinafter Philyaw).

4.   As per claims 1,8 and 17, Jenkins discloses a system and method for

real-time device driver error handling comprising:

a computer comprising a device driver (col 3, lines 24 and col 10, lines 26-

28), a monitoring unit and a device driver information said monitoring unit

monitoring an operating state (error handler, error is operation state, col 4,

lines 35-51) of said device driver information (col 6, lines 23-28) and

searching said device driver information (relevant hardware, firmware, and

software information, col 4, lines 52-65), and outputting a diagnosing

message to said computer when said device driver errors occur (col 6, lines

23-67 , col 7, lines 45-55 and col 8, lines 26-53);

network server (col 2, lines 15-23 and col 8, lines 51-53) comprising

a driver error handling program (col 8, lines 26-33), said device driver error

handling program storing a standard driver information (col 8, lines 26-33),

performing a diagnosis of said device driver by comparing said standard

driver information with said device driver information (col 8, lines 26-53),

and displaying said diagnosing result on said computer (col 8, lines 26-52).

Jenkins explicitly does not disclose that central monitoring station is a web

server. However, web server comprising driver handling programs, storing,

comparing, testing, updating, and searching device driver information are

well known in the art. Philyaw, for example, web server (col 4, lines 43-48)

comprising driver handling programs (col 26, lines 10-35), storing (col 26,

lines 10-35), comparing (col 26, lines 10-35), testing (col 26, lines 10-35),

updating (col 26, lines 10-35), and searching device driver information (col

26, lines 10-35). Therefore it would have been obvious to one of ordinary

skill in the art at the time invention is made to combines the teachings of

Jenkins and Philyaw because it would provide an architecture for automatic

configuring a software of a computer system which can be executed

remotely on the client machine.

5.   As per claims 2, 12, 18 and 19, claims are rejected for same reasons

as claim 1, above. In addition, Jenkins discloses a first portion storing said

standard driver information (col 8, lines 26-53, col 4, lines 35-67);

a second portion interpreting said device driver information (col 10,

lines 42-63) searched by said monitoring unit (col 8, lines 26-53, and col 4,

lines 35-67);

a third portion performing a diagnosis of said device driver by

comparing said standard driver information from said first portion with said

device driver information from said second portion (col 8, lines 26-53, col 4,

lines 35-67); and

a fourth portion displaying the diagnosing result from said third portion

to said computer (col 8, lines 26-53, col 4, lines 35-67).

6.   As per claims 3,9, 10, and 20, Jenkins discloses a displaying the error

correction result to said computer after automatically correcting the error by

said standard diagnosis information stored in said first portion in case of an

automatically correctable error (recommended action module, col 8, lines

26-53), said fourth portion displaying how to correct the error to said

computer in case of automatically uncorrectable error when the device driver

error occurs (col 8, lines 26-53).

7.   As per claims 4, 11, and 13, Jenkins discloses with said monitoring

unit being a file of said computer (col 8, lines 26-67, col 4, lines 35-67), said

file being a logical block of computer information as designated by a name

and treated as a unit (col 8, lines 26-67, col 4, lines 35-67).

8.   As per claims 5, and 14, Jenkins discloses, with said file not being able

to be manipulated by a user of said computer (col 8, lines 26-53, col 4, lines

35-67).

9.   As per claims 6, and 15, and 21, Jenkins does not specifically teaches

standard driver information being changeable by an operator of said web

server.

        However, Philyaw discloses standard driver information being

changeable by an operator of said web server (col 4, lines 43-48 and col 26,

lines 10-14).

        Therefore it would have been obvious to one of ordinary skill in the art

at the time invention is made to combine Philyaw with Jenkins because it

would provide an architecture for automatic configuring a software of a computer system which can be executed remotely on the client machine.

10.   As per claims 7, 16, and 22, Jenkins discloses with the automatically uncorrectable error being a hardware error of said computer or a device corresponding to said device driver (col 7, lines 45-55).

11.   As per claim 23, Jenkins discloses a correction of the error when the error is automatically correctable and when said first computer opted no correction in said step of prompting a response from said first computer (col 8, lines 26-54); executing no correction of the error when the recommendation is not accepted computer (col 8, lines 26-54); and correcting the error when the recommendation is accepted computer (col 8, lines 26-54).

12.   As per claim 24, the claim is rejected for same reasons as claim 1, above. In addition Jenkins discloses a computer-readable medium having computer-executable instructions for performing method of claim 8 (col 3, lines 15-37).

Response to Arguments

13.   Applicant's arguments filed 08/26/2004 have been fully considered but they are not persuasive, therefore rejections to claims 1-59 is maintained.

14.   In the remarks, applicants argued that:

a.   Jenkins (and also the combination of Jenkins and Philyaw) fails to teach or suggest the monitoring unit monitoring the state of the device driver

b.   Secondly, Jenkins (and also the combination of Jenkins and Philyaw) fails to teach or suggest the monitoring unit outputting a diagnostic message to said computer when said device driver error occurs.

c.   Thirdly, the combination of Jenkins and Philyaw fails to teach or suggest web server comprising driver error handling program.

d.   Fourthly, the combination of Jenkins and Philyaw fails to teach or suggest storing standard diagnosis information of said device driver on a second computer.

e.   Fifthly, the combination of references fails to teach or suggest comparing said standard diagnosis information with said monitors device driver information to confirm any errors with said device driver.

15.   In response to applicant's arguments (a - e), examiner respect fully

disagrees. Jenkins teaches a monitoring unit and a device driver information

said monitoring unit monitoring an operating state (error handler, error is

operation state, col 4, lines 35-51) of said device driver information (col 6,

lines 23-28) and searching said device driver information (relevant

hardware, firmware, and software information, col 4, lines 52-65), and

outputting a diagnosing message to said computer when said device driver

errors occur (col 6, lines 23-67, col 7, lines 45-55 and col 8, lines 26-53);

network server (col 2, lines 15-23 and col 8, lines 51-53) comprising a driver

error handling program (col 8, lines 26-33), said device driver error handling

program storing a standard driver information (col 8, lines 26-33),

performing a diagnosis of said device driver by comparing said standard

driver information with said device driver information (col 8, lines 26-53),

and displaying said diagnosing result on said computer (col 8, lines 26-52).

Jenkins explicitly does not disclose that central monitoring station is a web

server. However, web server comprising driver handling programs, storing,

comparing, testing, updating, and searching device driver information are

well known in the art. Philyaw, for example, web server (col 4, lines 43-48)

comprising driver handling programs (col 26, lines 10-35), storing (col 26,

lines 10-35), comparing (col 26, lines 10-35), testing (col 26, lines 10-35),

updating (col 26, lines 10-35), and searching device driver information (col

26, lines 10-35). Therefore it would have been obvious to one of ordinary

skill in the art at the time invention is made to combines the teachings of

Philyaw and Jenkins because it would provide an architecture for automatic

configuring a software of a computer system which can be executed

remotely on the client machine.

16.   In response to applicant's argument that there is no suggestion to

combine the references, the examiner recognizes that obviousness can only

be established by combining or modifying the teachings of the prior art to

produce the claimed invention where there is some teaching, suggestion, or

motivation to do so found either in the references themselves or in the

knowledge generally available to one of ordinary skill in the art. See *In re

Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958

F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, web server

comprising driver handling programs, storing, comparing, testing, updating,

and searching device driver information are well known in the art. Philyaw,

for example, web server (col 4, lines 43-48) comprising driver handling

programs (col 26, lines 10-35), storing (col 26, lines 10-35), comparing (col

26, lines 10-35), testing (col 26, lines 10-35), updating (col 26, lines 10-

35), and searching device driver information (col 26, lines 10-35). Therefore

it would have been obvious to one of ordinary skill in the art at the time

invention is made to combines the teachings of Philyaw and Jenkins because

it would provide an architecture for automatic configuring a software of a

computer system which can be executed remotely on the client machine.

17.   In response to applicant's argument, Jenkins does not teach or

suggest a first portion, second portion, third portion, fourth portion on pages

15-17. Examiner respect fully disagrees, Jenkins teaches a network server

comprising first portion storing said standard driver information (data

engine, col 4, lines 52-53, col 8, lines 26-53, and col 4, lines 35-67); a

second portion interpreting said device driver information (validation

configuration verification, col 10, lines 42-63 and col 8, lines 26-54),

searched by said monitoring unit (monitoring station, col 8, lines 26-54, and

col 4, lines 35-67); a third portion performing a diagnosis of said device

driver by comparing said standard driver information from said first portion

with said device driver information from said second portion (recommended

actions, col 8, lines 26-53, col 4, lines 35-67); and a fourth portion

displaying the diagnosing result from said third portion to said computer

(displaying test status, col 8, lines 26-53, col 4, lines 35-67).

18.   In response to applicant's argument, nothing in the teaching of

prevents the manipulation of the, examiner respect fully disagrees. Jenkins

teaches with said file not being able to be manipulated by a user of said

computer (executed remotely, user have no control on test tools because

they are binary and data accessed by executables, col 8, lines 26-53, col 4,

lines 35-67).

19.   Applicant's arguments for claims 6, 7, 15, 16, 21 and 22 amounts to a

general allegation that the claims are patentable invention without

specifically pointing out how the language of the claims patentably

distinguishes them from the references. The office maintained the rejections

and arguments have been answered in above paragraph. Applicant's

arguments does not clearly point out the patentable novelty which he or she

thinks the claims present in view of the state of the art disclosed by the

references cited or the objections made. Further, they do not show how the

arguments avoid such references or objections.

Conclusion

20   THIS ACTION IS MADE FINAL. Applicant is reminded of the

extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained

from the Patent Application Information Retrieval (PAIR) system. Status

information for published applications may be obtained from either Private

PAIR or Public PAIR. Status information for unpublished applications is

available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on

access to the Private PAIR system, contact the Electronic Business Center

(EBC) at 866-217-9197 (toll-free).

MAS